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5 Attorneys for Plaintiff
 CRAIG YATES, an individual;

7 UNITED STATES DISTRICT COURT
 8 NORTHERN DISTRICT OF CALIFORNIA

9 CRAIG YATES, an individual,)	CASE NO. CV-10-1410-BZ
10 Plaintiff,)	STIPULATION OF DISMISSAL AND
11 v.)	[PROPOSED] ORDER THEREON
12 PHO CLEMENT RESTAURANT;)	
13 ROBERTO TIM-HUNG LEONG (a.k.a.)	
ROBERTO LEON) and MARIA LEE)	
14 LEONG (a.k.a. MARIA LEON), As)	
Trustees, OF THE ROBERTO TIM-HUNG)	
15 LEONG AND MARIA LEE LEONG)	
REVOCABLE TRUST DATED MARCH)	
21, 2000; and QUANG B. TRAN, an)	
16 individual dba PHO CLEMENT)	
RESTAURANT,)	
17 Defendants.)	
18)	

19 The parties, by and through their respective counsel, stipulate to dismissal of this action in
 20 its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the
 21 Settlement Agreement and General Release ("Agreement") herein, each party is to bear its own
 22 costs and attorneys' fees. The parties further consent to and request that the Court retain
 23 jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S.
 24 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement
 25 agreements).

26 Therefore, IT IS HEREBY STIPULATED by and between parties to this action through
 27 their designated counsel that the above-captioned action be and hereby is dismissed with prejudice
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1 pursuant to Federal Rules of Civil Procedure section 41(a)(1).

2 This stipulation may be executed in counterparts, all of which together shall constitute one
3 original document.

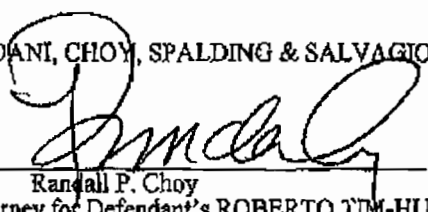
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5 Dated: _____, 2011

THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION

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7 By: _____
8 Thomas E. Frankovich
9 Attorney for CRAIG YATES, an individual

10
11 Dated: 4/4, 2011

HEDANI, CHOY, SPALDING & SALVAGIONE,
LLP

12
13 By: 
14 Randall P. Choy
15 Attorney for Defendant's ROBERTO TIM-HUNG
16 LEONG (a.k.a. ROBERTO LEON) and MARIA
17 LEE LEONG (a.k.a. MARIA LEON), As Trustees,
18 OF THE ROBERTO TIM-HUNG LEONG AND
19 MARIA LEE LEONG REVOCABLE TRUST
20 DATED MARCH 21, 2000; and QUANG B. TRAN

21 **ORDER**

22 IT IS HEREBY ORDERED that this matter is dismissed with prejudice pursuant to
23 Fed.R.Civ.P.41(a)(1). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for the
24 purpose of enforcing the parties' Settlement Agreement and General Release should such
25 enforcement be necessary.

26 Dated: _____, 2011

27 Honorable Magistrate Judge Bernard Zimmerman
28 UNITED STATE DISTRICT JUDGE

STIPULATION OF DISMISSAL AND [PROPOSED] ORDER THEREON CV-10-1410-BZ